GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Uppuluri Ranga Chari, S/o Ranga Swamy, Occ: APSRTC employee, Cuddapah District against the proceedings No.R.Dis.(C5) 292/96, dated 21.06.2001 of the District Collector, Cuddapah under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE(TW.CV.2) DEPARTMENT

G.O.Ms.No.62 Dated: 16.05.2018
Read the following:

1. Proceedings of the District Collector, Cuddapah, R.Dis. (C5) 292/96, dated 21.06.2001**.**
2. Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.16208/2001, dated 05.10.2001 filed by the Sri U. Ranga Chari.
3. Appeal Petition filed by Sri U. Ranga Chari S/o Ranga Swamy before the Government through his advocate on 05.05.2005.
4. Govt. Memo No.731/CV.2/2005, dated 28.06.2005.
5. From the District Collector, Kadapa, Lr.Ref.C5/963/M/2009, dated 26.01.2009.
6. Govt. Letter No. 731/CV.2/2005, dated 05.03.2010 & 10.06.2010.
7. Govt. Memo No.731/CV.2/2005, dated 20.10.2012, 16.01.2013, 05.11.2014, 22.11.2014, 23.02.2015, 02.04.2015 & 07.12.2016.
8. Govt. Memo No.731/CV.2/2005, dated 11.07.2017.

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ORDER:

In the reference 1st read above, the District Collector, Kadapa has issued orders cancelling ST-Kammara caste certificate obtained from the then Mandal Revenue Officer, Porumamilla Mandal, Kadapa District in the year 1990 by Sri Uppuluri Ranga Chari, S/o Ranga Swamy.

2. In the reference 2nd read above, the appellant has filed W.P.No.16208/2001 before the Hon'ble High Court against the proceedings of the District Collector, Kadapa dated 21.06.2001. The Hon'ble High Court of A.P., while disposing the said WP on 05.10.2001 has directed the Government to dispose off the appeal preferred by the petitioner within a period of three months from the date of receipt of the order, till the disposal of the appeal by the Government, the impugned proceedings of the District Collector, Kadapa dated 21.06.2001 is suspended. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

3. In the reference 3rd read above, Sri Uppuluri Ranga Chari, S/o Ranga Swamy, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Kadapa. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Kadapa in the reference 4th read above.

4. In the reference 5th read above, the District Collector, Kadapa has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Uppuluri Ranga Chari, S/o Ranga Swamy.

5. The said Appeal Petition has been posted for hearing on 19.03.2010, 25.06.2010, 30.10.2012, 21.01.2013, 13.11.2014, 13.12.2014, 28.02.2015, 18.04.2015, 24.12.2016 & finally on 05.08.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6th to 8th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. Further, at the time of hearing on 05.08.2017, the Appellate Authority has ordered that Sri P. Jayarami Reddy, Advocate filed vakalat and directed to file written arguments within three weeks, but the appellant/ Counsel for the appellant have not filed written arguments in support of his ST-Kammara community claim.

[P.T.O]

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Kadapa and proceedings of the District Collector, Kadapa dated 21.06.2001, the Appellate Authority is observed that :

I. The Appellant in his grounds has stated that the District Collector has failed to see that the appellant produced documents, transfer certificate issued by the SVP School, Ongole, income certificate issued by the Tahsildar, Giddalur and paper publication in Udayam Telugu Daily dated 26.5.1993 and caste certificate of one Mr.Veerabhadra Chari by the MRO, B.Matam. The above documents clearly establish that he belongs to Kammara Community but not Vadla Community which is BC (B) and the District Level Committee could have taken an independent decision instead of purely basing on the report of the Director of Tribal Welfare submitted long back.

II. The District Level Scrutiny Committee has observed that the School records of the petitioner contain 'Kammara' entry. It is undisputed. But in no way does add strength to his ST claim. It is beyond doubt Kammara caste, but not Kammara tribe. The report of the Director of Tribal Welfare, Govt. of AP Hyderabad in this case clearly states that Kammara Tribe (ST) people are confined to the scheduled areas in AP state i.e., Srikakulam,Vijayanagaram, Visakhapatanam, East Godavari and West Godavari Districts only, whereas Kammara caste (BC) people are existing in all the Districts of AP State. It goes to indicate that if a person claims to be belonging to Kammara Tribe, he shall unvariably have to be a native of and hail from those noted scheduled areas of AP state. By any stretch of account the petitioner is a native of those scheduled areas. Kadapa District is not one among the scheduled areas. Further, all the caste certificates are bound to be issued by the authorities only. Until their genuineness stands questionable, they continue to be genuine. It can't, as such, be taken for grant that caste certificates are not be open for enquiry forever. TC is not the ultimate document to decide one's caste status. TC is a document prepared by the school authorities. School staff seldom shall have got the required technical knowledge about the existence, spreading of different castes/ Tribes. As such, entries in school records are recorded by them mostly basing on the averments of the parents. Paper clippings shall not be a criterion to decide the area wise existence of a ST Tribe. In this case, it does not depend on the report of the Director of Tribal Welfare, Govt. of AP, Hyderabad alone for deciding the case. As per Reports of the RDO and the then MRO concerned were obtained, the DLSC has observed that the petitioner in his written explanation in Uyyalawada village, Giddalur Mandal, Prakasam District, there is only one family with the surname 'Uppaluri' for which one Uppuluri Pitchaiah alias Muni Rangaiah was the ancestor. The individual U.Rangachari is his great grandson. All other families, with the surname 'Uppuluri' are dwelling Uyyalawada village itself and they are in different occupations viz 1. Goldsmith, 2. Carpentary, 3. Blacksmith, 4. Brass Smith and 5. Sculpture. Basing on the report of MRO, Porumamilla it is confirming that U.Rangachari belongs to Kammara/Vadla sub-section of 'Viswabrahmin' caste of BC community. The Appellant in his written explanation has also failed to cover the point that how and why almost all his relatives/families in Uyyalawada Village are belongs to 'Viswabrahmin' caste of BC community, but not ST 'Kammara' Community. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his written arguments and stated that the lower authority failed to observe that he was booked in a criminal case for the very same issue and again the department cannot proceed further for the cancellation of his caste certificate and the DLSC shall took decision independently without referring the report of Director of Tribal Welfare. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record along with the written arguments it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community and more so it is noticed that all the relatives of the appellant are BC Community admittedly as such the petitioner is Kammara caste(BC) but not Kammara Tribe(ST). It is further brought to the notice that the certificate earlier issued to the individual in a routine manner

[Contd..on P.3]

and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual. That as per the act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any evidence for appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the Learned District Collector, Kadapa District.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), decide that the appeal petition filed by Sri Uppuluri Ranga Chari, S/o Ranga Swamy, does not deserve any interference. Hence, Proceedings of the District Collector, Kadapa issued vide R.Dis. (C5) 292/96, dated 21.06.2001, is hereby upheld and the Appeal Petition filed by Sri Uppuluri Ranga Chari, S/o Ranga Swamy, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Porumamilla Mandal is deemed to be cancelled.

8. The District Collector, Kadapa is directed to take necessary consequential action in the matter.

9. The records (containing R.Dis. (C5) 292/96, dated 21.06.2001, pages: CF: 1-215 & NF: 1-32) received from the District Collector, Kadapa through in the reference 5th read above, are returned herewith in original to the District Collector, Kadapa and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, YSR Kadapa.
(with original records) (BY RPAD)

Sri U.Ranga Chari S/o Ranga Swamy R/o Shramik,
APSRTC, Badvel Depot,
Kadapa District.

Sri V Suryanarayana Chari, Advocate,
320, Jamuna Towers,
Nalgonda X Road,
Malakpet, Hyderabad-36.

The Depot Manager,
APSRTC, Badvel Depot,
YSR Kadapa District

Copy to:
The Director, TCR& TI, AP, Amaravathi.
The PS to Hon'ble Minister(SWE&TWE).
The P.S. to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER